

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Lawrence Susa, : Case No. 1:09CV2844
: Plaintiff : Judge Kathleen M. O'Malley
: v. : Magistrate Judge David S. Perelman
: Lincare Inc., et al., :
: : MEMORANDUM OPINION
: Defendants. : AND ORDER

This action was initiated in the Common Pleas Court of Cuyahoga County on December 4, 2009, and removed to this federal court by the defendant on December 7, 2009.

However, between those dates plaintiff's counsel, Mr. David Patterson, filed in the state court a "Notice of Withdrawal As Counsel of Record," by virtue of his having been suspended by the Ohio Supreme Court for eighteen months (with six months stayed on conditions) effective December 2, 2009.

This circumstance was brought to this Court's attention by defense counsel following the referral of the action by District Judge O'Malley for general pretrial supervision and after this Court noticed a Case Management Conference for January 5, 2010.

As the plaintiff is now unrepresented, this Court has decided to cancel that conference.

At this time the plaintiff has two options. He can secure successor counsel, or he can go

forward *pro se*, i.e., unrepresented (which would put him at a distinct disadvantage unless he is well versed in the applicable law and procedure).

This Court will hold the matter in abeyance for a period of two weeks. If by the end of that period new counsel has entered appearance, or the plaintiff has notified this Court of his intention to proceed *pro se*, the conference will be rescheduled. If by that time neither of those has occurred this Court will recommend to Judge O'Malley that the action be dismissed, without prejudice, for want of prosecution.

IT IS SO ORDERED.



DAVID S. PERELMAN
United States Magistrate Judge

DATE: December 28, 2009